

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

EDDY MICHAEL HILL §

VS. §

5:11cv211

BARACK OBAMA, President of the United States of America §

MEMORANDUM ORDER

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. Plaintiff, proceeding *pro se*, filed objections to the Report and Recommendation. The Court conducted a *de novo* review of the Magistrate Judge's findings and conclusions.

I. BACKGROUND

In his Complaint, Eddy Michael Hill ("Plaintiff") alleges President Barack Obama was notified in 2011 as to the "VA complaint outlined in [his] book 'Ya!' by H (Edmich H) - copyrighted by Library of Congress, Wash. D.C. in 2008." Compl., ¶IV. According to Plaintiff, the President failed to act, and his dereliction of duty is proof that he is unfit to continue as commander-in-chief of the U.S. Armed Forces. Plaintiff further alleges, among other things, as follows:

On 9* Feb. 82 (Black History Month), during routine "out-processing" at RAF Alconbury, England, U.K., 2nd Lt. Eddy Michael Hill, . . . checked off at the Base Dental Clinic. There, a black colonel dent[ist] . . . said I had gingivitis [sic], and a black airman tech. commenced [sic] "cleaning my teeth" - he hurt me - the Col. then numbed my mouth completely and the airman continued. After he finished - a black sergeant [sic] escorted [Plaintiff] into a room w/ 4 or 5 British civilians - all old men w/ missing teeth and skin disease. He taught us 'how to brush our teeth.'

Id. Plaintiff demands a full investigation into the circumstances outlined above; that criminal charges

by brought against all participants; that the President of the United States issue a published apology on behalf of the United States Government; and compensation in the amount of 24 million dollars.

II. REPORT AND RECOMMENDATION

The Magistrate Judge, after considering Plaintiff's motion to proceed *in forma pauperis*, issued a Report and Recommendation, recommending Plaintiff's above-entitled and numbered cause of action be dismissed without prejudice. The Magistrate Judge noted that the *in forma pauperis* statute, 28 U.S.C § 1915(d) authorizes courts to dismiss an *in forma pauperis* claim if the action is "frivolous." The Magistrate Judge characterized Plaintiff's factual claims as frivolous, noting that Plaintiff is seeking to sue President Barack Obama, requesting a public apology and \$24 million for, among other things, having his teeth cleaned in 1982.

III. PLAINTIFF'S OBJECTIONS

Plaintiff filed objections to the Report and Recommendation. In his objections, Plaintiff asserts, among other things, as follows:

'Frivolous' – I question your ability to comprehend (grasp) my claim! During Black History Month: a federally sanctioned event, on the 9th ('Nein' = German 'no') of February 1982 - a black colonel (handling a 'routine; out-processing' case?) dentist, injected my mouth with anesthetic - top and bottom (the USAF denied I received an injection!)(my guess is that the injection included disease, harvested from the old British civilian bums (all with missing teeth and skin disease)). A black airman technician 'cleaned my teeth' with a motorized point grinder. Afterwards, a black sergeant [sic] technician escorted me into a room with 4 or 5 old British civilians! He taught me a USAF 2nd Lt. and those bums with missing teeth and skin disease, "how to brush our teeth" . . .

Objections at pg. 2 (emphasis in original). Plaintiff does not consider what happened to him in England to be "frivolous;" rather, Plaintiff asserts it was "designed to be a traumatic experience" for him. *Id.* at pg. 6. Plaintiff states he "would like to exonerate President Ronald Reagan (our 'last' President) of any knowledge/wrong-doing of 'what happened to [Plaintiff] in England.'" *Id.* at pg.

7. As for President Obama, Plaintiff states he was probably in high school/college in 1982, and Plaintiff “sent him (via certified mail) all the information to help [Plaintiff], and he went along with the ‘good ole boys’ - instead of performing [h]is sworn duty.” *Id.*

IV. *DE NOVO* REVIEW

In his objections, Plaintiff takes issue with the Magistrate Judge’s characterization of his allegations as “fantastic and delusional.” The Court is not saying Plaintiff himself is delusional. Rather, the Court agrees with the Magistrate Judge that Plaintiff’s claims describe “fantastic or delusional scenarios” and as such are properly characterized as “frivolous.” *See Neitzke v. Williams*, 490 U.S. 319, 328 (1989).

With that being said, the objections lend further support to the Magistrate Judge’s findings in the Report and Recommendation and are without merit. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that Plaintiff’s above-entitled and numbered cause of action is **DISMISSED WITHOUT PREJUDICE.**

SIGNED this 9th day of January, 2012.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE